

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF No. 22416

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY,

Debtor.

PROMESA

Title III

No. 17 BK 3567-LTS

Re: ECF Nos. 1411, 1412

URGENT MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Judge Laura Taylor Swain:

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Last Four Digits of Federal Tax ID: 3801) (Last Four Digits of Federal Tax ID: 3801) (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of the Puerto Rico Highways and Transportation Authority (“HTA”), pursuant to the authority granted to it under the Enabling Act of the Fiscal Agency and Financial Advisory Authority, Act 2-2017, respectfully submits this urgent motion (the “Urgent Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Scheduling Briefing of Motion for Relief from Stay* [ECF No. 1412] (the “Scheduling Order”).²

Request for Relief

1. On September 30, 2022, Carlos E. Iturregui Margarida, Pedro J. Iturregui Margarida, Ana I. Iturregui Margarida, José A. Iturregui Margarida, Isabelita A. Iturregui, Ana Isabel Iturregui Álvarez, Dayren R. Iturregui Álvarez (collectively, “Movants”) filed a *Motion for Relief from Stay* [ECF No. 1411] (the “Motion”), requesting this Court grant Movants “relief from the automatic stay of 11 U.S.C. § 362(a)(1) for movants to proceed with civil rights violations and inverse condemnation proceedings against HTA in Federal Court for the taking of movants’ property without compensation,” in connection with a case filed by Movants in the United States District Court for the District of Puerto Rico (the “District Court”) under Civil Case no. 22-cv-01227 (RAM). *See* Motion at 7.

2. On the same day, the Court entered the Scheduling Order, which provides that responses to the Motion must be filed by October 14, 2022, and Movants’ reply by October 21, 2022.

² The Financial Oversight and Management Board for Puerto Rico, as HTA’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this Urgent Motion on behalf of HTA.

3. Since the filing of the Motion, HTA has been expeditiously working to gather the necessary information to properly evaluate the allegations included in the Motion in order to properly respond to same. Nevertheless, HTA needs additional time to complete this process. HTA reached out to Movants regarding a two-week proposed extension, but Movants did not consent to the same. Accordingly, HTA proposes the following brief extensions of the deadlines set forth in the Scheduling Order:

- The deadline to respond to the Motion shall be extended to **October 19, 2022**.
- The deadline for Movants to file a reply to a response, if any, shall be extended to **October 26, 2022**.
- The Court will thereafter take the Motion on submission, unless the Court determines that a hearing is necessary.

4. Pursuant to Paragraph I.H of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1] (the “Case Management Procedures”), the Commonwealth hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing and has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court.

Notice

5. HTA has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors’ bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA;

(d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) all parties filing a notice of appearance in these Title III cases; and (i) Movants. A copy of the motion is also available on HTA's case website at <https://cases.primeclerk.com/puertorico/>.

6. HTA submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE HTA requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: October 14, 2022
San Juan, Puerto Rico

Respectfully submitted,

/s/ Luis C. Marini-Biaggi

Luis C. Marini-Biaggi

USDC No. 222301

Email: lmardini@mpmlawpr.com

/s/ Carolina Velaz-Rivero

Carolina Velaz-Rivero

USDC No. 300913

Email: cvelaz@mpmlawpr.com

MARINI PIETRANTONI MUÑIZ LLC

250 Ponce de León Ave.

Suite 900

San Juan, Puerto Rico 00918

Tel: (787) 705-2171

Fax: (787) 936-7494

Attorneys for the Puerto Rico Fiscal

Agency and Financial Advisory Authority

Exhibit A

Proposed Order